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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,010	12/02/2003	William R. Bandy	1689.0010004	3170

26111 7590 09/18/2007  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

EXAMINER
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MALONE, STEVEN J

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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09/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/725,010

**Applicant(s)**

BANDY ET AL.

**Examiner**

Steven J. Malone

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3609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 92-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 92-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/17/2006, 12/2/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. This communication is a first Office Action Non-Final rejection on the merits. The preliminary claim amendment dated 12/02/2003 is acknowledged. Claims 1-91 have been canceled and claims 92-94 are currently pending.

### ***Claim Objections***

2. Claims 92 and 94 are objected to because of the following informalities:

in claim 92 at line 6 the acronym "PCMCIA" should be in an unabbreviated form for the first recitation found in the claims, and

in claim 94 at line 1 the phrase "of claim of claim" is taken to mean "of claim" for purposes of examination.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 92-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mok et al. (July 1997) in view of Nerlikar (5,629,981).

As per claim 92, Mok et al. disclose a tag reader comprising:

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means for transmitting a signal to a plurality of radio frequency identification (RFID) tags (See Figure 1, interrogators transmitting to tag population of up to 150 tags), wherein each said RFID tag is identified by a plurality of bits (See page 18 col. 2 at lines 33 and 34, via various tag reader protocols);

means for resolving contention between multiple RFID tags that respond to said signal (See the abstract at lines 6-9, the focus of the paper is to compare methods of resolving contention between multiple tags using known protocols).

However, Mok et al. fails to explicitly disclose a removable PCMCIA card that is configured for a specific application.

Nerlikar discloses a removable PCMCIA card that is configured for a specific application (See col. 7 at lines 35-39, a PCMCIA card configurable over multiple frequencies and multiple ranges); whereby the tag reader is re-configurable by changing said PCMCIA card (via changing to a card that is configured for a different frequency).

From the disclosure of Nerlikar, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the RFID contention resolution system of Mok et al. to include a configurable PCMCIA reader in order to support system portability and configurability.

As per claim 93, Mok et al. discloses an RFID tag that includes a sensor (See page 17, col. 2 at lines 7-8, via tags sensing electromagnetic signals).

As per claim 94, Mok et al. discloses an RFID tag that can be configured to be attached to a bag (See page 17, col. 1 at lines 5-10, via tags that can be attached to merchandise).

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**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven J. Malone whose telephone number is 571-270-5107. The examiner can normally be reached on Monday-Thursday 7:30 am - 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571-270-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SM

  
LYNDA JASMIN  
SUPERVISORY PATENT EXAMINER